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WASTEX'S BREIF IN SUPPORT OF THE
PROCESSING AND DISPOSAL OF THE NON-Environmental Protection Agency
LISTED AND HAZARDOUS WASTE RESIDUE.

EPA Region 5 Records Ctr.



315981

In an effort to dispell the myth that surrounds the so called "mystery drums" in the remaining Chase inventory, we hereby offer the following facts that should be ample evidence to support Wastex's claim that the remaining drums contain hazardous waste that is not listed in 40 CFR 261.31, 261.32 or 261.33 nor is it listed in IEPA Title 35 Subpart D. and is hazardous by characteristics only described in 40 CFR Subpart C. 261.20, .21, .22, .23 and .24 as also described in IEPA Title 35 Subpart C. 721. 121, .122, .123 and 124.

As stated in open meetings with all agencies, Wastex personnel have the past 4 years moved, inspected and separated the drummed waste in the Chase inventory many times and are convinced the correlation of the waste contained in those closed top drums are from the waste generators attached as exhibit "A".

We are also convinced the co-mingling of the waste residue in the open top drums is the remains of sludge after the flammable liquid was decanted or pumped off to be reclaimed as fuel. Attached exhibit A and B

JONES CHEMICAL, INC.,

(A)

Wastex received from Jones Chemical from March thru October 1980 25,810 gallons of bulk flammable liquid and 2,682 drums of flammable liquid and semi-solids consisting of paint, paint solvent, paint sludge, ink solvent, ink sludge, resins (Alkyd and Poly) and paint resin. 25,810 gallons bulk flammable liquid and 1,906 drums of flammable liquids were processed into the fuel operation.

The unpumpable residue was removed from the drums by removing the tops. Residue was visually inspected, compatibility checked, then co-mingled into open top drums and staged in Bldg. 16-31 with other open top drums of the Chase inventory. There still remain in the Chase inventory 776 drums of semi-solid flammable waste in Bldg. 3-22 (ACL).

IMC. MCWHORTER COMPANY

(B)

Wastex received from IMC Co. in August and September, 1980 408 drums of off-spec. contaminated vegetable oil and resin, which were flammable semi-solid and liquid. 18 drums of flammable liquid were processed into fuel operation (Residue managed as stated in paragraph A). 224 drums of contaminated vegetable oil and resin flammable semi-solid remain in the Chase inventory in Bldg. 3-22 (ACL).

SPENCER KELLOGG

(C)

Wastex received from Spencer Kellogg in March 1980 to January 29, 1981 1,866 drums of Alkyd and Poly resin which were flammable liquid, semi-solid, and solid waste. 1,538 drums were processed into the fuel operation. (Residue managed as stated in paragraph A). There still remain in the Chase inventory 328 drums of flammable semi-solid Alkyd and Poly resin waste in Bldg. 3-22 (ACL).

CARGILL, INC.

(D)

Wastex received from Cargill, Inc. in May thru November 1980 966 drums of waste paint resin which were flammable liquid and semi-solid waste. 900 drums were processed into the fuel operation. (Residue managed as stated in paragraph A). There still remains in the Chase inventory 66 drums of flammable semi-solid resin waste in Bldg. 3-22.

RR DONNELLEY & SONS CO. INC.,

(E)

Wastex received from RR Donnelley & Sons from February to September of 1980, 20,500 gallons of bulk flammable liquid and 545 drums of flammable waste letterpress ink and solvent. 20,500 gallons and 410 drums were processed into the fuel operation. (Residue managed as stated in paragraph A). There still remains in the Chase inventory 135 drums of flammable semi-solid waste letterpress ink in Bldg. 3-22 (ACL).

ROCKFORD CHEMICAL COATING

(F)

Wastex received from Rockford Chemical from March thru October 1980, 408 drums of flammable alkyd resin paint liquid and 122 drums of corrosive semi-solid. 408 drums of flammable liquid paint were processed into the fuel operation. (Residue managed as stated in paragraph A). There still remain in the Chase inventory 122 drums of corrosive semi-solid waste in Bldg. 16-31 (ACL).

OPEN TOP DRUMS.

LISTED HAZ WASTE

555 open top drums are from the Wastex 15th Street facility. Those drums were an accumulation of still bottoms from the solvent recovery operation. As determined from the regulations, the waste contained therein is hazardous as listed in the non-specific sources 40 CFR 261.131, EPA hazardous waste no. F005. To reduce the toxic and/or hazardous waste classification would require delisting petition under 40 CFR 261.20 and 261.22. The state procedure

Mixture Rule!
Haz waste Code?

is set fourth in IEPA Title 35 Subpart C, Section 720.122. The waste contained in those drums shall be fixated in the proposed fixation process and then shall be disposed of in a regulated disposal site as a hazardous waste. The open top drums are staged and stored in Bldg. 16-31.

883 open top drums containing paint sludge, ink sludge and off-spec. poly and alkyd resin are hazardous by characteristic of ignitability (identified not listed) and are not a listed waste as per 40 CFR Subpart D Section 261.31, 261.32 and 261.33. The waste residue was accumulated by decanting the flammable liquid. The liquid was processed for supplemental fuel operation. The semi-solid was then co-mingled with like waste and placed in open top drums stored in Bldg. 16-31

659 open top drums in Bldg. 35 are the remaining drums of the Chase inventory. Those drums were accumulated and managed as described above, except those drums have been segregated for final processing.

As discussed in meetings that Wastex has had with USEPA and Illinois EPA, the interpretation of the current regulations is very clear and explicit in determining whether a waste material is a listed or non-listed waste. A material is a hazardous waste either by having a characteristic of hazardous waste as shown under Subpart C of Part 721 or is listed under Subpart D of that Part. The hazardous waste characteristics of ignitability, corrosivity, reactivity, and EP toxicity are clearly defined and the appropriate EPA hazardous waste numbers assigned.

The hazardous waste listed under 721.131, 721.132, and 721.133 are listed for very explicit reasons and those materials are also clearly defined! Section 721.131 lists wastes from nonspecific sources and assigns F-series hazardous waste numbers but the information given is very definitive! Section 721.132 similarly lists wastes from specific sources and assigns K-series hazardous waste numbers. Section 721.133 lists the discarded commercial chemical products, or manufacturing chemical intermediates, the similar off-specification materials, and residues from a spill of such materials. The regulations are again very specific. *See recent changes, additions.*

The agencies, both federal and state, have suggested that chemical analysis will determine if a material, previously accepted as a hazardous waste, is in fact a listed hazardous waste. The waste could contain a significant amount of a material that could be a listed hazardous waste if it met the definition of such as shown under 721.131, 721.132, or 721.133 and still not be a listed hazardous waste.

This is best shown by an example and a good substance to use would be toluene. A waste containing toluene could be listed as:

1. F005 - a spent solvent or still bottom from its recovery, *or a solvent mixture*
2. K027 - from toluene diisocyanate production,
3. K036 - from the production of disulfoton,
4. K037 - " " " " " , or
5. U220 - toluene to be discarded as toluene itself or as an off-specification product or the residue from the spill of material identified as toluene or off-specification toluene,

or, the material could be a waste paint or paint sludge which still contained its solvent fraction. In the latter case, the material would not be a listed waste as paint or waste paint are not listed under either 721.131, 721.132, or 721.133, and would only be hazardous by characteristic as shown under Subpart C of Part 721

If a waste material contains a substance that would be a listed hazardous waste if it met the criteria of 721.131, 721.132, or 721.133, that material would not automatically be considered a listed hazardous waste unless the source can be determined. Accepting this argument is of particular importance in the case of Wastex. Beside handling the 24,000 drums of material that we have removed from the "Chase" inventory to date, we have also handled a large amount of material from our fuel-blending process and have learned to identify those residual materials. Using this background and experience, we do feel that we can safely confirm the identity of those materials we have called waste paint and paint sludge, waste ink and ink sludge, poly and alkyd resins, or contaminated vegetable oil.

Under Section 3002 of the Resource Conservation and Recovery Act of 1976 and amended thereto, subpart (B) effective September 1, 1985. Waste Minimization- the manifest required by subpart (A) (5) shall contain a certification by the generator that:

1. "The generator of a hazardous waste has a program in place to reduce the volume or quantity and toxicity of such waste to the degree determined by the generator to be economically practicable"; and

2. "The proposed method of treatment, storage, or disposal is that practicable method currently available to the generator which minimizes the present and future threat to human health and the environment".

Wastex has a program in place and hereby, certifies that we have made every effort, beginning March 1, 1980, to reduce the volume, quantity and toxicity of the "Chase" inventory.

Inclusion and interpretation of Resource Conservation And Recovery Act (RCRA) and declaration of principles jointly adopted by a committee of the American Bar Association and a committee of Legal Publisher excerpts of the interpretation is as follows:

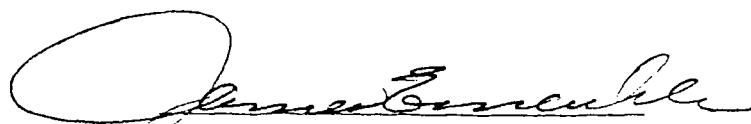
A mixture including a hazardous waste and a solid waste is treated as a hazardous waste unless such a mixture qualifies for the following exemption:

(1). The listed hazardous waste in the mixture was listed solely because it exhibits that characteristic.

A mixture including a non-listed ^{characteristic} hazardous waste and a solid waste will be deemed hazardous only if the entire mixture exhibits one of the four hazardous waste characteristics. (See 45 FR 33095), (19 May 1980).

Respectfully Submitted,

Wastex Research, Inc.,



J. E. Wastex, President